



Town of New Windsor

OFFICE OF THE PLANNING BOARD
MARCH 24, 2004 - WEDNESDAY — 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

APPROVAL OF MINUTES DATED:

ROLL CALL

ANNUAL MOBILE HOME PARK REVIEW:

- a. SILVER STREAM MOBILE HOME PARK
- b. WINDMERE MOBILE HOME PARK – MT. AIRY ROAD

PUBLIC HEARINGS:

1. **EUGENE & JANN HECHT (TRUCK & TRAILER DEPOT & ECONO TOWING SITE PLAN & SPECIAL PERMIT (04-03)** Proposed mixed uses on single property.
2. **KEILLY ESTATES (COLEMAN) (03-01) LAKE ROAD (DILLIN)** Proposed 10-Lot Residential subdivision for single-family homes
3. **ROBERT MINARD SUBDIVISION (03-07) SHAW ROAD (JAMES)**
Proposed 4-lot residential subdivision

REGULAR ITEMS:

4. **FOX MEADOW ESTATES (01-51) TOLEMAN ROAD (HIGGINS)** Proposed 24-lot residential subdivision.
5. **WALMART LOT LINE CHANGE (03-32) RT. 300 (GARDNER)** Proposed commercial property lot line change to accommodate site plan for store expansion.
6. **WALMART SITE PLAN (03-33) RT. 300 (GARDNER)** Proposed expansion of existing retail store.
7. **NEW WINDSOR EQUIPMENT RENTAL / TOWN OF NEW WINDSOR LOT LINE CHANGE (02-34) ARGENIO DRIVE (ARGENIO)**
8. **BRIAN BARBERA SITE PLAN (01-39) RT. 207 (BARBERA)** Proposed car wash.
9. **CENTRAL HUDSON G & E (03-12) UNION AVENUE (THOMAS)** Proposed expansion of existing sub-station.

PRESUBMISSION:

10. **TARSIO LANES – RT. 9W – FROM WORKSHOP**

CORRESPONDENCE

11. **FIRST COLUMBIA 03-201 & 03-202** Request for two 90-day extensions of approvals

ADJOURNMENT

(NEXT MEETING –APRIL 14, 2004)

TOWN OF NEW WINDSOR

PLANNING BOARD

MARCH 24, 2004

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS
NEIL SCHLESINGER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ALTERNATE: ERIC MASON

ABSENT: JIM BRESNAN

REGULAR MEETING

MR. PETRO: I'd like to call to order the March 24, 2004 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

ANNUAL MOBILE HOME PARK REVIEW:

SILVER STREAM MOBILE HOME PARK

Mr. Tony Muratore appeared before the board for this review.

MR. PETRO: Mike, has someone been from your department been to the site? Do you have any outstanding comments? This is for a one year extension.

MR. BABCOCK: Yes, we have, there's a list of some stuff on this page I went over with the applicant some skirting needs to be fixed, 911 numbers, some minor repairs to quite a few units there and he's told me that he will start tomorrow and take care of these things.

MR. PETRO: Do you have a check for \$655.00 made out to the Town of New Windsor? Motion for one year extension.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Silver Stream Mobile Home park. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Thank you for coming in to take care of

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things. We'll see you in one year.

WINDMERE MOBILE HOME PARK

Mr. Richard Johnson appeared before the board for this proposal.

MR. PETRO: Mike, someone from your department been to the site and done inspections? Do you have any outstanding comments?

MR. BABCOCK: Yes, we have been there and everything is fine.

MR. PETRO: Do you have a check for \$445.00 made out to the Town of New Windsor?

MR. JOHNSON: Yes.

MR. BABCOCK: Appears to be 445.

MS. MASON: That's right.

MR. PETRO: Yes. Motion for one year extension.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Windmere Mobile Home Park on Mt. Airy Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

PUBLIC HEARINGS:

EUGENE & JANN HECHT (TRUCK & TRAILER DEPOT & ECONO
TOWING SITE PLAN & SPECIAL PERMIT 04-03)

Mr. Eugene Hecht appeared before the board for this proposal.

MR. PETRO: Proposed mixed uses on single property. If anybody's here for a public hearing, the way it works the board reviews the applicant's presentation, at such time deem it necessary, we open it up to the public for their comment, then we close on and move on again. So we're going to review this one then I'll open it up. Application proposes adding service repair and towing office to the existing site on Windsor Highway. The site also includes other uses. The application was previously reviewed at the 28 January, 2004 planning board meeting. The application is here tonight for a public hearing.

MR. LANDER: Public hearings for special use permit, Mr. Chairman?

MR. PETRO: It's a, we're going to add sales. Mike, is that what we're doing?

MR. BABCOCK: And repair, service and repair.

MR. PETRO: You already have sales there for the trailers now?

MR. BABCOCK: That's correct, the service and repair is what triggers the special permit.

MR. HECHT: Added the additional parking as requested by Mr. Edsall on the inside, we made the changes to the property, the front parking lot squared it off and we added two handicapped spaces.

MR. PETRO: Mark makes a note that the plan be corrected to note the lot width still not on the plan. Mark, it's still not there?

MR. HECHT: It's on the new one, it should be.

MR. PETRO: The ones that we have here?

MR. HECHT: Says minimum requirement lot width is 200 and 183.9.

MR. EDSALL: But it doesn't, the final plan have him or her asterisk the 183.89 cause that's pre-existing, non-conforming, we're just acknowledging that you did need a variance.

MR. LANDER: I think we have the wrong plan.

MR. HECHT: There is an updated one that was delivered.

MR. LANDER: When was it delivered?

MR. HECHT: I've got a copy, Scott brought them up.

MR. ARGENIO: What's the date on yours, Ronny?

MS. MASON: March 10, it should be.

MR. ARGENIO: This one is March 2.

MR. EDSALL: I've got March 2.

MR. PETRO: What do you have up here?

MR. HECHT: Mine's March 11, well, yeah, March 2.

MR. PETRO: All right, that's it, okay. Parking space detail requires additional information and correction such that it will accurately define the State Code requirements, just get together with Mark, find out

exactly what that is.

MR. EDSALL: Mr. Chairman, the last comment number 5 Mike Babcock advises me that he did get that variance so you can disregard that.

MR. PETRO: I'm going to disregard 5 completely.

MR. LANDER: That's about a second sign?

MR. EDSALL: Yes.

MR. PETRO: Taken care of. Still have fire approval that's been disapproved.

MR. HECHT: It's 16 feet wide, they required 15, that's for the lower lot, it's not being used.

MR. PETRO: Clear opening 15 feet.

MR. HECHT: I'm providing 16.

MR. PETRO: Show it on the plan.

MR. HECHT: No because we're not using that section of the property, it's not used.

MR. PETRO: Then where is the gate he wants the 15 feet?

MR. HECHT: All the way in the back where it says existing fence, says gate all the way down that's to the second lot we don't use.

MR. PETRO: I see it down here.

MR. KARNAVEZOS: He's talking about the further one up.

MR. HECHT: All the way back here.

MR. PETRO: Is there another gate up here?

MR. HECHT: Yeah, 16 in the front and there's 16 in the back.

MR. ARGENIO: Says 15 in the front.

MR. PETRO: That's okay, that's what he's looking for.

MR. HECHT: This is already 16, we don't, just don't use the property.

MR. KRIEGER: He needs a clear 15, if it's 16, that's fine, but the plan says 15 then what he's probably saying when you take away the post and the hinges it isn't quite 15.

MR. HECHT: But I said for the lower property which is the one all the way in the back.

MR. PETRO: He needs 15 feet to provide minimum clear opening of 15 feet.

MR. HECHT: Just the lower it's 16 just not used.

MR. PETRO: You need to get to the fire department have him stop down and see it and then the next time I have this when you're back it will say approved, then we can go on. I'm going to go to the public hearing. If someone is here who'd like to speak for or against this application, please be recognized by the Chair, come forward, state your name and address. Would anyone like to speak? Chair notices that there's nobody here that wants to speak. Entertain to motion to close.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the

New Windsor Planning Board close the public hearing for the Eugene and Jann Hecht truck and trailer depot Econo Truck Towing site plan. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I will open it back up to the board for any further comment. I don't think there's much left to talk about, just take care of those few items, I need the fire department to give you an approval, it's got to be on this sheet so either a letter or they'll revise this one, more time for Myra. And the other note from Mark 183 feet you're going to have to show that on the plan so later on somebody looks at it, they're going to say why didn't you get a variance, that's basically it. All right?

MR. HECHT: Thank you.

KELLY ESTATES 03-01

Mr. James Dillin appeared before the board for this proposal.

MR. PETRO: Proposed ten lot residential subdivision for single family homes. The project proposes subdivision of 24 acre parcel into ten single family residential lots. The plan was previously reviewed at the 22 January, 2003 planning board meeting. Here tonight for a public hearing. It's R-1 zone district of the Town, bulk information on the plan is correct for the zone and proposed use. It is imperative that the circulation be made immediately following this meeting, that was for you, sir, did you hear that? Why don't you go over it briefly, we've seen it a couple times.

MR. DILLIN: For the audience, this property is located on the easterly side of Lake Road, it lies north of the railroad over the bridge and adjoins 1,700 feet of frontage along Lake Road, it's in the R-1 zone and the minimum lot size is 80,000 square feet. We're proposing permitted use on this property of single family residential homes. We show 10, 4 of the lots will front directly on Lake Road, we're proposing to access the rest of the property by a private road with a cul-de-sac on it where we'll have five driveways entering onto the private road. We have a dedication from the center line back 25 feet to be given to the Town of New Windsor, fee ownership of the property goes to the middle of Lake Road and going to be dedicating 25 feet to the Town. It's serviced by individual wells and septics. All the tests have been prepared on the other sheets. We've done some tests and on everything we're set really for preliminary approval and ready to go to the health department.

MR. LANDER: Do we have any wetlands on this property flagged?

MR. DILLIN: There is none flagged, there's a little bit in this corner down here but it's nowhere near our actual construction.

MR. LANDER: Is that area subtracted from the total on lot 1 do you know?

MR. DILLIN: I didn't do a subtraction, but I could and would still have enough.

MR. PETRO: Stone walls are to be removed. Probably put a note on the plan to be removed, private road detail must be corrected and the sub-base structure and overcourse must be crushed shale, also the shoulders must have the same 12 inch and the swale shall be rip-rap lined. These are notes coming from Mark. You can go over them and correct them. 911 policy of the Town project required assignment of street name and 911 address numbering. You have a fire disapproval, need name for the private road, we just went over it's all 911 so if you take care of the one I just read in this note, it should disappear. The highway he gave you an approval subject to the sight distance calculations, he wants to have the calculations actually implemented on the plan, I think we're going to do that from now on, actually show a note and/or somewhere on the plan for your sight distance but I think it's 450 is required, show the actual sight distance that you have both ways and also make a note on the plan to that effect what's required.

MR. EDSALL: Depending upon the speed and which direction you're looking.

MR. PETRO: Whatever the requirement for that, there what is it there, do you know? He's the one that's approving it, highway department again has to be here, it says approved but that's subject to so if you get that clarified but it's got to be on the plan, he wants

to see it on the plan.

MR. BABCOCK: Is that only for the private road or is that for the driveways also so we're clear?

MR. PETRO: Just the private road. This is a public hearing. On the 9th day of March, 2004, 16 addressed envelopes went out. Again, if someone is here to speak for or against this application, be recognized by the Chair, come forward, state your name, address and your concern. Is there anyone who'd like to speak?

MR. REGGIO: Good evening, my name is Nick Reggio, I live at 4 Deljo Lane right at the top of the hill. The information that's been covered so far and answered two or three of my questions, I was curious what the approximate boundaries of the project are?

MR. DILLIN: The total limits are from the railroad to the sharp curve in the road to the right, right at the very top.

MR. REGGIO: It's a single entry into the neighborhood?

MR. DILLIN: There's one single entry for these five homes at this point here, these homes will all have driveways on this private road, there's four single driveways from the railroad up approximately straight in.

MR. REGGIO: I was curious if the speed limit will change with the additional housing in the area?

MR. PETRO: I would say no.

MR. REGGIO: Thanks very much.

MR. PETRO: Anyone else on this application? Okay, motion to close the public hearing.

MR. ARGENIO: Motion to close.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Kelley Estates major subdivision on Lakes Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I'd open it back up to the board for any further comment. Mark, what else do you have on this that you want to bring out tonight?

MR. EDSALL: You touched on all of them and Jim can get these corrections made fairly easily.

MR. ARGENIO: Did anybody from your office witness the perc tests out there?

MR. EDSALL: I don't believe anything's been scheduled yet.

MR. DILLIN: It's going to go to the health department.

MR. EDSALL: This one does go to the health department because it's over the five lots, so we wouldn't participate in this review.

MR. PETRO: You have all the little notes we made tonight, don't forget the sight distance on the map and here's the lead agency letter, you should get that out

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otherwise you're going to get held up. Thank you very much.

ROBERT MINARD SUBDIVISION 03-07

MR. PETRO: Application proposes subdivision of 13.5 acre parcel into 4 single family residential lots, with the remainder of the lot 44 being conveyed to lot 43.2 is a lot line change, the lot 43.2 is going to become a very large lot is what you're saying?

MR. JAMES: Right.

MR. PETRO: Plan was previously reviewed at the 26 March, 2003 3 planning board meeting. The application is here tonight for a public hearing, it's an R-1 zone district, required bulk information is correct for the zone and use. Some corrections are needed however each lot appears to comply with the minimum requirements. Mark, you'll have to go over with the applicant when you say, however, you can explain how much, we don't need to do that now because it's going to probably be housekeeping unless it's something you want to talk about. Sanitary designs are shown on the plan. I have no record of the soils testing or being witnessed, once this is performed, I will review the submitted designs. What's your name, sir?

MR. JAMES: Bob James.

MR. PETRO: Mr. James, have you done any designs?

MR. JAMES: Yes, all the testing has been done.

MR. PETRO: Do you have anything for Mr. Edsall to review?

MR. JAMES: I can send you perc and deep soil information. It should be on the plan.

MR. EDSALL: You weren't aware that the board does require and it might have occurred since your last appearance back in March that the perc tests have to be

witnessed.

MR. JAMES: All of them, what about deep holes?

MR. EDSALL: Both.

MR. PETRO: What's the separation for well and septic on this?

MR. EDSALL: It's 200 if the well's downgrade of the septic.

MR. PETRO: You just went a hundred feet?

MR. JAMES: Yes.

MR. PETRO: For the private road details some revisions are needed, the ditch note should change the soil from none rip-rap to less than 5 percent outlet of the drainage through, the town road should be approved through the highway superintendent. Again, we have disapproved from highway and fire so we'll get to that in a few minutes.

MR. LANDER: What are we doing with lot 43.1?

MR. PETRO: That land is going to be conveyed.

MR. JAMES: No, 43.1 is a separate tax lot.

MR. PETRO: You're going to do a lot line change to add the remaining lands of this?

MR. JAMES: 43.1 is a separate owner, different owner and they have a right-of-way over the current lands there, you'll see lands of--

MR. LANDER: So again how does that work, the road is longer than 800 feet?

MR. EDSALL: Eight hundred to the center line of the cul-de-sac.

MR. ARGENIO: What about lot 43.1?

MR. JAMES: That's been there in for quite a while.

MR. PETRO: We're going to treat it as a driveway from the cul-de-sac to that lot, correct?

MR. EDSALL: Yes.

MR. SCHLESINGER: The who owns that driveway.

MR. JAMES: The owner of the farm, Minard owns the land, they have a right-of-way, they already have a right-of-way that runs all the way to Shaw Road.

MR. JAMES: The owner of both sides there would be Minard driveway's in the easement.

MR. PETRO: Let me just go over this quickly and I'm going to open it up to the public. Highway needs sight distance calculations and drainage plan, it's that simple and again, you heard me tell the fella before you he wants to see actual sight distance on the map and the fire needs street names on all parts, three copies of subdivision plot showing street parcel size, estimated driveway location shall be provided to the E-911 coordination for numbering, once the numbers are assigned, they should be placed on all subdivision maps. So you have both of those outside agencies here to take care of.

MR. JAMES: Right.

MR. PETRO: Okay, again, this is a public hearing. On the 9th day of March, 2004, 20 addressed envelopes containing the public hearing notice were mailed out.

MR. JAMES: One got returned.

MR. PETRO: Make that 19, so someone would like to speak for or against this application, be recognized by the Chair, come forward, state your name and address and your concern. Anyone want to talk? Motion to close the public hearing.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Robert Minard subdivision and lot line change on Shaw Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I will open it up to the board for any further discussion, as per the 911 policy of the Town, the project will require the assessment of the street name, we already went over that with the fire.

MR. JAMES: Minard Lane will work for them if there's no duplication and I'm going to give them a couple other names.

MR. PETRO: You can coordinate with this if they say that's fine, that's fine with us, we don't contradict what they say because they have the map to see if there's any duplication. Mark, do you have anything else at this time that we need to do?

MR. EDSALL: No.

MR. PETRO: I would suggest that you get a copy of Mark's comments.

MR. BABCOCK: He does.

MR. PETRO: Correct those and pretty much you're on your way. Thank you.

REGULAR ITEMS:

FOX MEADOW ESTATES 01-51

Mr. Dave Higgins appeared before the board for this proposal.

MR. PETRO: Application proposes major subdivision of 82.4 acre parcel with the horse farm to remain. Plan was previously reviewed at the 8 August, 2001, 14 November, 2002, 23 January, 2002, 26 June, 2002, 28 August, 2002 and 23 October, 2002 planning board meetings. Who says we don't look at this stuff? Property is located in an R-1 zoning district of the Town, bulk requirements indicated for the SFR use and the horse farm are correct for the zone uses. Active application that's grandfathered in from the former zoning they have now received health department approval and are waiting to have the plans stamped by the County. They're before the board seeking conditional final approval tonight. Gentlemen, if the board believes conditional approval is appropriate, I recommend the following conditions, receipt of stamped plans, final modification to the storm water system and update DEC, create storm water district in support of the project, that's a Town Board action which you're going to that once we do a preliminary.

MR. EDSALL: Yes, they have been around long enough that they actually began before that procedure was fully in place so they're going to catch up now.

MR. PETRO: Concrete roadway detail 4,000 pound concrete.

MR. EDSALL: That's just for the curbs and the sidewalk.

MR. PETRO: You're going to have to change that, you're making notes? Why am I wasting my time reading all

this then? You submit descriptions of offers of dedication to the Town attorney with a copy to the planning board engineer. I always like that, payment of fees, you can't forget that.

MR. EDSALL: Myra doesn't let me.

MR. PETRO: We've seen this I think this is the 6th time or 7th time we have, let's look at highway, see memo, construction of roadways acceptable to me, meeting to be held with the developer in field prior to work starting on the project, meeting to be held with Mark Edsall and Henry Kroll, that's between you and them. Fire, we have approval on 10/21/2002. We looked at, I want to ask the members of the board look at the plan, is there anything else, I know that Jerry had a comment about the guardrail, it's now up, we talked about I remember at the public hearing some swales, you were going to implement for some water going down to the back.

MR. HIGGINS: I believe those are on.

MR. PETRO: Anything else that came out of the public hearing? We talked about the water a number of times, also the retention pond in this, I asked you to give me some information about the outflow of the retention pond cause you're taking in the water, I know you're letting it out, I asked where does it go.

MR. HIGGINS: I know we spoke about that actually I think that was at the preliminary, there was a large ravine that goes along Toleman Road and into a large wetland further down Toleman Road, we show a structure underneath Melissa Lane.

MR. PETRO: I realize you're telling us the way the retention pond works you're letting out at the same pace it's going out now, that's the function of the retention pond, but I still would like to know where it

goes downstream, so it's going into the large wetlands probably a little northeast of the site?

MR. EDSALL: South.

MR. HIGGINS: Yes, south, right, actually, I think it crosses the railroad if I remember going back a year and a half but--

MR. PETRO: Show a sketch plan of the screening on the south side. Stone wall to remain on the south side. Is there a note to that effect? We can always add that. I'm going to give you these comments.

MR. HIGGINS: I think the stone wall on the south side we have a conservation easement area that covers actually 30 feet from the stone wall and there's a note on the first sheet that says no disturbance of any kind to be done.

MR. PETRO: Very good. This is for conditional final approval, we have everything in order here as far as highway, fire and Mark, the comments that you're going to have to address will be Mark's few comments, such as the 4,000 pound concrete you have to add it to the plans and I know you're going to come back for final so we have plenty of time to get them on here. Entertain a motion for conditional final approval?

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant conditional final approval for the Fox Meadow Estates on Toleman Road proposed 24 lot residential subdivision.

ROLL CALL

MR. SCHLESINGER AYE
MR. KARNAVEZOS AYE
MR. ARGENIO AYE
MR. LANDER AYE
MR. PETRO AYE

MR. HIGGINS: I'd also request that we anticipate that it's going to take several months to get the creation of the district with the Town Board, the owner would request that the board consider allowing us to begin construction assuming that we make all the payments and inspection fees.

MR. PETRO: Construction of what?

MR. HIGGINS: The road and it would only be road at this point and the storm water detention.

MR. PETRO: Well again you have to meet with Mr. Kroll and Mr. Edsall, I would suggest what you want to do with them and they can report back to the board and we'll let you know that, all right, I don't think that the board would say no as long as Mr. Edsall and Mr. Kroll are in agreement and they're going to monitor what you're doing there, does anybody disagree with that?

MR. ARGENIO: No.

MR. PETRO: Okay.

MR. HIGGINS: Thank you.

WAL-MART LOT LINE CHANGE 03-32

MR. PETRO: Your name for the minutes? Tell us who you are?

MR. GARDNER: I'm Derrick Gardner with EPD Engineering and I'd like to bring to the attention of the board a lot line change that we would eventually request for approval however the plans that are sitting in front of you have been modified by request of Wal-Mart and myself and the plans in front of you if you notice there's a future lease parcel, that parcel does not meet the requirement of a 200 foot width parcel we were going to do that for tax reasons so that way that parcel can be defined.

MR. PETRO: Point to that one, which one?

GARDNER: This one right down here was going to be for taxes, it was a future lease parcel for tax purposes only it didn't meet your 200 feet width requirement.

MR. PETRO: We can't create the lot line change as it is.

MR. GARDNER: I'd have to go to the Zoning Board, I talked to Wal-Mart and said let's make that whole parcel part of the Wal-Mart parcel, let's just not even do it so now instead of three parcels it will only be two parcels, Wal-Mart parcel and the out parcel, just remove the lease line.

MR. ARGENIO: Out parcel number 1 and the Wal-Mart parcel.

MR. GARDNER: That's it so basically we're taking three lines making it two, three parcels making it two parcels.

MR. PETRO: Where is the newer lot line we're creating?

MR. GARDNER: The lot line we're creating now this is the plan I brought with me is what I project that the lot lines will be what we're creating is this parcel here will be for Wal-Mart, the out parcel which is here will be for whatever future sales.

MR. ARGENIO: Out parcel will increase in size?

MR. GARDNER: Out parcel number one is not changing, that's staying as a one acre parcel and that does meet your lot width.

MR. ARGENIO: So you're adding the future lease parcel to the large site?

MR. GARDNER: Yes, all those lines are becoming the Wal-Mart site.

MR. KARNAVEZOS: So this line right here's gone.

MR. GARDNER: Yeah, that line right there is gone that used to be when we get to the site plan for the Wal-Mart parcel, that's the edge of the roadway.

MR. EDSALL: Mark, what do you have to say about this?

MR. EDSALL: I spoke with Derrick earlier and that's when we agreed that the, what's shown on this plan is the leased parcel could not be created by this board and that's when he informed me in speaking with Wal-Mart they're just going to add that back into the total Wal-Mart parcel and then they'll have that gas station facility become part of that site plan so they'll review that as part of the Wal-Mart site plan. The out parcel, the one acre parcel will still become its own individual lot and as was indicated they right now have three parcels they're going down to two so it's still a lot line change, it's not a subdivision.

MR. PETRO: Disapproved from the fire department, it's pretty long, we're not going to take any action tonight so we'll just give you a copy of it.

MR. BABCOCK: I just gave the applicant a copy, Mr. Chairman.

MR. PETRO: I would say I don't believe that in my opinion we need a public hearing for this, I would entertain a motion to waive the public hearing. We need to take lead agency first, Mark, we're not lead agency though are we?

MR. EDSALL: You're not lead agency. Both the lot line change and the site plan are being considered under the single action that Town of Newburgh is lead agency.

MR. GARDNER: They have the SEQRA process.

MR. EDSALL: And relative to SEQRA they have already reached a negative dec, it may be an appropriate time to discuss whether you believe this, whether or not you want to move forward on a negative dec to cover both applications which I addressed under my site plan comments, so if you want to discuss that.

MR. PETRO: I think a negative dec on that would not be a problem.

MR. EDSALL: Negative dec, again, was already adopted by the Town of Newburgh, this board has to concur or not concur with the findings of the Town of Newburgh. What I have done for you is included in my attachment to my site plan a copy of the Town of Newburgh's negative dec.

MR. PETRO: On the next application?

MR. EDSALL: Right, but the negative dec covers both, it's one of the rare cases where they're packaged.

MR. PETRO: Town of Newburgh has already moved to do the negative dec?

MR. GARDNER: They have already gave us a negative declaration on the property.

MR. PETRO: We can just accept them as they're written and move on from there.

MR. EDSALL: The only issue that I'm aware of outstanding notwithstanding some issues obviously to resolve with the fire inspector's office, the highway superintendent wants to make sure that the applicant intends to upgrade or reconstruct the affected area of Liner Road because he has concerns of the conditions over that short piece of Liner with the understanding that they're intending to resolve that issue, I don't believe there's any impact issues that have not been addressed.

MR. PETRO: So back to the negative dec part of it, that's why we can accept it the way it's written?

MR. EDSALL: Right, with an understanding that they will address the highway department's concern for Liner Road.

MR. PETRO: But what I still want to do first let's get back to the public hearing for the subdivision, the lot line change, does anybody have an objection to that or entertain a motion to waive the public hearing for the lot line change, just the lot line change?

MR. ARGENIO: Motion to waive.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for

the Wal-Mart lot line change off New York State Route 300. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I guess we'll take and accept the negative dec from the Town of Newburgh for each one in the form of a motion.

MR. KRIEGER: Yes.

MR. PETRO: We'll do, well, this one is the lot line change, we'll accept it for this and accept the one that's written for the site plan which we're going to do next. It's the same for both, correct, Mark?

MR. EDSALL: Yes. Just for the record so that it's understood by the board members it may be beneficial for the board members to know that absent from possibly discussing some of the potential environmental impacts at these meetings, the Town of Newburgh has been kind enough to coordinate with us on a regular basis and the chairman and I have been at a couple different meetings with them where we have passed on this board's concerns and have made sure that in their deliberation they have considered the issues.

MR. PETRO: I've been at one of the meetings myself.

MR. EDSALL: I've been on a pretty much regular basis coordinating.

MR. PETRO: Motion to accept the negative declaration

as written by the Town of Newburgh Planning Board.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board accept the negative declaration which has been adopted by the Town of Newburgh Planning Board as lead agency for the Wal-Mart lot line change off New York State Route 300. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Back to the actual application, I would suggest that I'd like to see, you clean it all up so we can see what we're looking at, you're telling me we're removing lines.

MR. GARDNER: There will be another plan.

MR. PETRO: Before we take final action, I'm here 13 years, I don't know what the hell I'm looking at. Its all spaghetti over there. Get it cleaned up so we know what we're doing. We have a couple small notes to take care of with Mark on the sheet that he just gave you, find out from the fire department what he's talking about.

MR. GARDNER: I didn't get the comments until just now so we'll make sure we get them addressed.

MR. PETRO: Myra's going to fax you the correct one

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tomorrow, the one that's on your sheet is not correct.

WAL-MART SITE PLAN 03-33

Mr. Derrick Gardner appeared before the board for this proposal.

MR. PETRO: Next is going to be for Wal-Mart site plan. This application involves addition to an existing building in the Town of Newburgh with the addition crossing into the Town of New Windsor. The application also includes related site improvements on the New Windsor side of the Town line. Application was previously reviewed at the 23 October, 2003 planning board meeting. It was at that time that we decided that the Town of Newburgh was going to be lead agency so you have been working with them I believe you have final at the Town of Newburgh?

MR. GARDNER: Not yet.

MR. PETRO: You're along in the process.

MR. GARDNER: We've got a negative declaration from April 1st, any of the board members there will be a public hearing at the Town of Newburgh April 1st, any issues that you want to be raised I invite you to come, they have really been, we worked very well with them, we have tried to address every issue.

MR. PETRO: Why are you showing us the site plan, just to bring us up to date?

MR. GARDNER: I want to hear your comments on any, any issues and concerns, keep you informed, show you where we're at and just more of an informational meeting, I want any feedback and any concerns that you might have.

MR. PETRO: Just update us on the SEQRA process, you're done with that there. We have a copy of the findings here but we just adopted one of them for your lot line change. Your areas of concern were previously

identified, generally involve traffic, parking, sewer and water. Just touch on them quickly.

MR. GARDNER: Well, sewer, sanitary sewer is going to stay in the Town of Newburgh, we're working with them, we're actually doing a test right now, we're doing a full, and right now sanitary sewer will be coming out on the Newburgh side and running down to the district manhole down here. Traffic we have done extensive amount, we have done some requests, we have addressed all the traffic issues and concerns that they have had. We had a dual entrance, a single entrance left-hand turn lane into the bank, we're also looking at providing an access along the out parcel to go into the bank for a secondary access. Bank's parking is over here, we added a couple more parking spaces and access along the back. There will be dual egress out, we're going to make a modification to the signal, we're not doing a signal here on Liner and 300, there will be the access here.

MR. ARGENIO: Can you make a left turn from Liner Road out to Union Avenue?

MR. GARDNER: Yes, it's going to be an allowed use, there's not going to be a signal. What we have projected is because of the light up above and below, you're going to get holes, either holes from the light turning green, red and stuff like that, pockets allowing people to left-hand turn, mostly it's a residential up here and this parcel is going to be using the left-hand turns out.

MR. PETRO: The parking we had discussed some of the striping and the parking differences between the Town of Newburgh and New Windsor, how was that resolved?

MR. GARDNER: We talked about it and I thought that the planning board was willing to accept Newburgh's requirements, so we have stayed with that requirement

of 9 1/2 by 18. There was a concern on the amount of parking that you guys have, 5.5, we meet that requirement and on the amount of building that's in New Windsor. What we did is we took and said okay, there's like 23,000 square feet of the building in New Windsor, the rest of it's in Newburgh, we'll use 5.5 ratio that you guys have ratio that Newburgh has, the site meets all the requirements.

MR. PETRO: Mike?

MR. EDSALL: Mike and I were just discussing even if you use more restrictive one per 150 on the New Windsor side rough calculations show they probably have 100 spaces in New Windsor that they need, they're way over, just for the record.

MR. PETRO: Just for informational purposes, what happened with the parking lot out in the front of the existing Wal-Mart where they had the summer things? Remember we discussed that at a meeting one time?

MR. GARDNER: Outdoor seasonal area.

MR. PETRO: Used up all the parking spots.

MR. GARDNER: What we're going to do for that we're going to designate a time that they're going to allow that to happen, it's going to say April to September and it's going to be a designated square footage designated zone and that's all they're allowed to use, they're not allowed to go outside of that so there's an outdoor sales area but it's going to be from a certain time to a certain time.

MR. PETRO: Have you removed that from the parking calculations?

MR. GARDNER: No, I have not because usually your peak time is black Friday and Christmas, not during the

summer, Wal-Mart's not their busiest during the summer and as Mark just pointed out, we're over by 100 approximately we'll say 100 and this right here is not taking up 100 parking spaces. I showed a dotted area right here and it's only two aisles, half an aisle.

MR. PETRO: We're not the lead agency, just more curious if he was here, I'd still ask you to deduct it out, but you have the hundred to do it.

MR. GARDNER: If you were to start taking out and comparing I can prove to you that I'm definitely way over.

MR. PETRO: If you're presenting it to us, you would have to, I think that's what I'm trying to say. Okay, water?

MR. GARDNER: Water we're not making any connections to New Windsor. All the water is going to move around the system and it's going to come into the Town of New Windsor but no connections are going to be made in New Windsor, there will be hydrants but it's all grouped around the system from Newburgh.

MR. PETRO: The traffic flow coming onto Liner, is that going to be truck and auto, where are your deliveries coming in?

MR. GARDNER: Deliveries what we're projecting is they're going to come in go around and then they're going to use the light out here.

MR. PETRO: Our highway superintendent had a lot of concern that the condition of the Liner Road should be handling the truck traffic, the delivery traffic so when you say that that's going to be part of his comments when you talk to him.

MR. GARDNER: We planned to do, we have to do

restriping anyway, we have to do curbing, we had planned from the DOT back to our entrance doing corrections on the pavement out there. We have not submitted our highway plans because we have to do DOT plans which I can tell you they will be going in this week to the DOT and plan to submit to the highway superintendent so we'll work with them on the traffic and part of Liner, I can tell you right now we have to restripe it, we have to curb it so we will be replacing or overlaying that area.

MR. LANDER: Liner Road is going to get a lot more traffic than it does right now.

MR. SCHLESINGER: What happens if there's not a piece of property that's not occupied, let's say a gas station does go in there?

MR. GARDNER: Part of the site plan approval is the gas station and what we do this out parcel we classify it as a restaurant because that's a typical high use, we used those numbers for the out parcel and in our traffic study so we do address those concerns in the traffic study.

MR. PETRO: Two other things then we're going to move on because time to move on, Applebees, nothing's changed there with the exit and entranceway?

MR. GARDNER: No.

MR. PETRO: Still can't make a left?

MR. GARDNER: No.

MR. PETRO: I went there couple days ago just for that, I went in there, I drove around and I could see about a mile down to the left and whatever I could see up to the right and you still can't make a left-hand turn because somebody's saying you can't, it's very

interesting.

MR. GARDNER: That was part of the approval for Applebees, we can't touch that.

MR. PETRO: Mr. Schlesinger wants to know if I ate there, that was that question. So nothing's changed there. The other one was the stacking and the staging in the lanes trying to get onto Union Avenue is horrendous, I can't get out of your parking lot, in other words, you know what I'm saying already we discussed it, I think before what did you change there to make that easier? I know you've got the boulevard lane now.

MR. GARDNER: What we have done like the existing conditions right now is it's a single one and then it widens out basically what we have done we have taken two lanes all the way back through made it a two lane, it was a single lane, now it's a two lane egress.

MR. PETRO: That's going to let the flow move more quickly out?

MR. GARDNER: It will help the flow and on top of that obviously you, if you see this area getting stacked up, you're going to come out over here, I mean common sense.

MR. PETRO: Not so much that the stacking on that exit, I can't get into it, they're stacked out into the parking lot, you know where you first try to get in?

MR. GARDNER: This one right here because if you look this way right here is what you're talking about?

MR. PETRO: That's where all the cars are stacked.

MR. GARDNER: Because if you notice directly in front of that it's a single lane so the people making the

left are holding you up so that's why we're making it a dual out also.

MR. PETRO: So you have looked at it.

MR. SCHLESINGER: You're going to have two lanes going around into the other entrance into the bank around to the gas station and exiting on Liner?

MR. GARDNER: It's a shared lane, the center lane is a shared lane.

MR. MASON: Is there still going to be an entrance into the bank from the boulevard area?

MR. GARDNER: We had wanted to close it, they have access easements, we can't close it so yes, that's why we provided this access back here, I think what you're gonna see this is just purely speculation the bank is looking at this parcel I think they want to make modifications to help people coming in and out of the bank.

MR. PETRO: Did you resolve the fire protection and the police response? Who's doing it?

MR. GARDNER: We did have a meeting, I believe I was not at that meeting but I think Newburgh it's going to stay Newburgh for the fire and the police department is my understanding of it.

MR. EDSALL: It was all, I don't know the exact details but it was worked out all the necessary personnel were there and they reached an agreement rather quickly. One other thing for the record we should put in the application required a referral to the Orange County Department of Planning under Sections 239 L, M and N of the law which they had done and I hope that you find it acceptable, I coordinated with Ed Garling who is the planner for the Town of Newburgh and he made a referral

actually acknowledged that it was on behalf of both this board and that board so the letter is attached to your package and if no one objects, the record will just be clear that that referral was done and it was done in a combined effort.

MR. PETRO: Any objections? I don't think so. Are we going to take any action to accept the SEQRA findings?

MR. EDSALL: When you accepted them on the discussion for the lot line, it was actually the one action which covered both.

MR. PETRO: Anybody on the board have any other questions from this gentleman from Wal-Mart at this time? Are we going to see you again before you wrap this all up?

MR. KARNAVEZOS: Are you going to put like a deceleration lane or something down here to go towards Liner?

MR. GARDNER: No, we're, you're talking right-hand turn in for Liner, no, cause it's already a dual out there, you already have trucks coming in and out, we didn't see a need for deceleration. Actually, I know what you're concerned about, you're talking about the truck traffic turning into there, well, the truck traffic--

MR. KARNAVEZOS: Coming from that way and they're going to be--

MR. GARDNER: We didn't see a need for the deceleration lane.

MR. KARNAVEZOS: The issue, that's basically the issue I have and probably it's on the Town of Newburgh's side is you're going to be putting two lanes here, when you have basically you have two lanes now right here, the existing lane, is there any way, does that fall under

Town of New Windsor or Town of Newburgh where their existing entrance, their existing entrance and exit is?

MR. EDSALL: It's Town of Newburgh.

MR. KARNAVEZOS: So we really can't act on it or get something to be done on it but people making right on red here, they can't actually see the car that's in the left-hand lane and there's been very many close calls there, there's no sight distance to see from a car coming down 300 and somebody trying to make a right on red. So that's one of the reasons I was going to say either deceleration lane coming through here or even considering you on this piece of property cut a lane right in through here so that vehicles can get off so these people on Liner can see.

MR. GARDNER: We don't own that property, that's actually DOT property, if you notice the line runs high and that's DOT. And there is a right-hand turn deceleration lane into the lot and then through, I'll have that addressed for you.

MR. LANDER: Has this plan been sent to DOT?

MR. GARDNER: It does have to go to DOT, yes, we have to get concurrence from DOT because we're making modifications to the signal, we're doing striping here and striping here.

MR. LANDER: So if they want something done on Liner then they'd take care of it.

MR. GARDNER: Yes, they'll definitely look this over.

MR. KARNAVEZOS: Can we give them our opinion also?

MR. LANDER: You can, it won't mean much, never has.

MR. EDSALL: Well, expect that the next application is

going to include the gas station as part of the application you're considering.

MR. GARDNER: Yeah, I'm going to have to write a letter requesting that the gas station be added back in as part of it. Your package should show the gas station but--

MR. PETRO: What zone is it there?

MR. GARDNER: Still C.

MR. BABCOCK: It's C, design shopping.

MR. GARDNER: That's an allowed use.

MR. PETRO: I thought it would be a special permit but it's not.

MR. BABCOCK: I think just for, I don't know gasoline it may be.

MR. GARDNER: No, I remember reading it, it's an allowed use.

MR. LANDER: Is it a special permit?

MR. GARDNER: No.

MR. BABCOCK: No repair.

MR. GARDNER: Not doing any repair, no bays, I did talk to Mark today about what are we going to need to do for parking because there's 300 square feet of retail in there.

MR. PETRO: Need a lot of parking for that.

MR. GARDNER: Ton of it, add 30 or 40.

MR. PETRO: You took up enough of our time, we enjoyed the presentation, looks good, I think you did a lot of work and it went a long way.

MR. GARDNER: We presented different colors, the color that they chose is this one, not going to be your typical flagship blue and white Wal-Mart. They've added a ton of landscaping, we killed our landscape budget, there will be, we're going to, you know, where the old tree is that died that everybody was upset about we're putting in retaining wall, we're going to do landscaping there, we've got boulders going in, there's a significant amount of landscaping going on.

MR. PETRO: Well, there's an architectural review board in the Town of Newburgh which you'll be visiting. I've been there myself so enjoy it.

MR. GARDNER: That's one of my requirements of the site plan for architectural review.

MR. PETRO: Yes, we don't have that here, we kind of do it ourselves as you go through the process and but I know they have it there, they may even tell you though they don't like the combination of color or something, I'm just using that as an example, but you'll enjoy yourself. Thank you very much. It's not our intention to give lead agency to the buildings in New Windsor?

MR. EDSALL: No, well, if the gas station was considered in all the impacts, the environmental review's been completed, you'll still have your site plan review authority but the environmental really all you'd look at would be access, traffic and all the normal issues that have already been considered.

MR. PETRO: That was included because Jerry asked the question earlier.

MR. EDSALL: Even as a matter of fact, the fact that

you coordinated the review when they come back for the restaurant or whatever use goes in that lease or the out parcel.

MR. GARDNER: Out parcel will have to come back in for site plan approval.

MR. EDSALL: But the environmental review for that has already occurred because it's been considered as part of the overall impacts.

MR. PETRO: We understand.

NEW WINDSOR EQUIPMENT RENTAL/TOWN OF WINDSOR LOT LINE
CHANGE 02-34

Mr. Genaro Argenio appeared before the board for this proposal.

MR. PETRO: Application involves lot line change to convey approximately 2.34 acres from the Town of New Windsor to the Town to New Windsor Equipment. This application was previously reviewed at the 22 October, 2003 meeting. Sent to the zoning board for necessary variance which you received. Okay, you want to say anything?

MR. J. ARGENIO: I'm going to abstain from voting on this because I am a minority shareholder in New Windsor Equipment Rentals but I will comment on it if any of the members want any information because I do have intimate knowledge of the procedure.

MR. PETRO: Your name, sir, for the minutes?

MR. G. ARGENIO: Genaro Argenio, president of New Windsor Equipment Rentals. I was previously here as you know we have permission from the planning board for the use when it was a rental property the Town of New Windsor, the Town of New Windsor and New Windsor Equipment Rentals agreed to a sale, that sale could not happen without a lot line change which the zoning board, which we needed zoning board approval which we have now gotten at this point then we're looking for the lot line change.

MR. EDSALL: Lot line change did not need the variance, it's the use that needs the variance, which is when they need to make an application for the site plan amendment so when they extend their lot, they're extending the use further than what's on their current site plan. Without a variance, they couldn't expand the use, so the lot line change itself didn't need the

variance, it's the use and as we had pointed out in October, they need to put a companion application in to amend their current site plan.

MR. LANDER: What's on this lot right now? You're going to take this line out, what's there now?

MR. G. ARGENIO: This is the property right now, the asphalt plant is located here, piles are here, bins are here back in here we're storing processed material over on this side. Here would be the concrete plant and then we're over here.

MR. PETRO: Now, Mark, we're going to approve the lot line change, we're going to eliminate the lot line but approving the lot line change?

MR. EDSALL: You're going to move the line.

MR. PETRO: Okay, once we do that, the lands now can be conveyed to the equipment company?

MR. EDSALL: Correct.

MR. PETRO: Why does he have to make a site plan? He doesn't need to unless he wants to do something there.

MR. EDSALL: Well, you're proposing to use that property for a purpose, correct?

MR. G. ARGENIO: Existing purpose, I have approval for the existing purpose.

MR. EDSALL: You're not going to leave the new lands you're acquiring is not going to stay vacant, it's going to be used as part of your process?

MR. J. ARGENIO: It's been being used now we have permission to store materials on it now from this board.

MR. EDSALL: But is there a plan on record that I'm not aware of that shows what I'm pointing out is that whenever someone expands their use or changes their site plan.

MR. PETRO: It's already under lease from the Town of New Windsor now, it's just going to become ownership.

MR. EDSALL: Even if he turns the plan in for the record I don't know that there's a plan covering that land and it's just--

MR. LANDER: Because they didn't own it.

MR. EDSALL: They never came in for a site plan approval.

MR. J. ARGENIO: We did bring a plan in and get approval for the use.

MR. LANDER: Right.

MR. EDSALL: That was never stamped, that was a temporary approval, it's just a matter of turning a plan in that gets stamped otherwise there's nothing on record.

MR. PETRO: Still the land you're taking this piece of land and adding it to the land that's existing, now you're saying the zone line, is there a zone line that goes through this parcel?

MR. EDSALL: It's not a matter of the zoning, it's the same as with the application you considered earlier today, Mr. Hecht, if he wants to begin to use the rear of his property and put another building up or put another 50 vehicles back there or put up a fence, that's a site plan amendment, he has to come back here and get approval. That's what we're talking about here, you've got an approved site, they'd need to show

what they're going to do.

MR. PETRO: If they're only storing materials, they can come in with a sketch plan, I don't think they need a real site plan.

MR. LANDER: They didn't own the property at that time.

MR. PETRO: But they're only storing materials on the property, they're not going to show any buildings or anything, just going to say I'm dumping reclaimed material over here. What would they really need a site plan for? There wouldn't be anything there, there's the plan right there, there's no buildings going there.

MR. G. ARGENIO: The question would be just that we're presently using this property, by purchasing we lose the use of the property.

MR. EDSALL: Absolutely, not always, I'm saying right now in two years if there's a new code enforcement officer, nothing personal, Mike, and he comes out and says you're using that property, show me your approved site plan. You have no plan that shows the use of that property.

MR. PETRO: I suggest they make a sketch plan, give it to Mr. Babcock, put it in the file and that should suffice because the site plan, what are you going to show?

MR. EDSALL: I just want to protect Mr. Argenio that three or four years down the road there's something on record that shows that he has this board's approval.

MR. PETRO: You're point is well taken, I'm not saying no, but a sketch plan, a site plan what, would you draw on the site plan, pile of dirt?

MR. EDSALL: They can take the same site plan they have

now, draw the new perimeter on and say material storage area, simple as that.

MR. PETRO: But if he has it in the file.

MR. EDSALL: You're all aware of what he wants to do. My recommendation is that you have seen a temporary site plan in the past, if you have all discussed it and agree to the use, I would make a motion to approve the lot line change and the site plan amendment subject to the record plan being submitted for stamp of approval. That way, he's got a stamped site plan. We do it for every other site plan that's amended.

MR. J. ARGENIO: We have the use but you need to have something documenting that the use has been approved.

MR. EDSALL: By the board.

MR. PETRO: Motion for lead agency.

MR. KARNAVEZOS: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the New Windsor Equipment Rental.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	ABSTAIN
MR. LANDER	AYE
MR. PETRO	AYE

MR. LANDER: Public hearing, going to waive it?

MR. PETRO: Going to waive it, it's for a lot line

change, he just came from zoning board.

MR. LANDER: I just asked.

MR. J. ARGENIO: A hundred a fifty envelopes went out for the zoning board public hearing for the record.

MR. EDSALL: It is a record.

MR. BABCOCK: I don't recall, was there any people that showed up?

MR. J. ARGENIO: There was a couple of people, they didn't even--

MR. LANDER: Mr. Karnavezos, what do you think?

MR. KARNAVEZOS: I don't see the need for it.

MR. PETRO: Form of a motion since whitey over here don't want to say anything.

MR. KARNAVEZOS: I'll put that in the form of a motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for this lot line change, New Windsor Equipment Rental/Town of New Windsor lot line change. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	ABSTAIN
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I believe this board is in a position to approve the lot line change at this time and then as Mark stated, if you bring us a plan and show us exactly the use of the property and you show us that we can have it on file, it would be for the site plan amendment for that parcel. Any further discussion from the board members? And I think we need a motion for final approval.

MR. LANDER: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the New Windsor Equipment Rental/Town of New Windsor lot line change and the site plan change of use which we're going to have on file.

MR. EDSALL: Not change of use, site plan amendment.

MR. PETRO: Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	ABSTAIN
MR. LANDER	AYE
MR. PETRO	AYE

BRIAN BARBERA SITE PLAN (01-39)

Mr. Brian Barbera appeared before the board for this proposal.

MR. PETRO: Proposed car wash. At this time, I will recuse myself because I own the property. I'm not involved with the business but I do own the property, therefore, I will step down.

MR. ARGENIO: Project proposes use of the 1.225 acre parcel as a car wash facility. Plan was previously reviewed at the 23 May, 2001 planning board meeting and conditionally approved at the 8 August, 2001 meeting. The conditional approval lapsed. The board recently reviewed this application on 25 February, 2004 meeting. Mr. Barbera?

MR. BARBERA: We are resurrecting this. I met with Mark Edsall in his work shop and I changed a few things on the plan. We made the equipment room a little bigger, moved the dumpster, changed some lighting, put in the necessary handicapped striping and that's pretty much it. Those were the requirements that you guys wanted from the last meeting. Couple things changed, actually, I gave you everything, I'm sorry, these are things I changed I gave you them.

MR. BABCOCK: I gave Mr. Barbera a list of the requirements that the board had asked for prior to the final site plan stamping and what he's saying here is that he's completed that list.

MR. LANDER: What was the list?

MR. KARNAVEZOS: That was for the conditional approval.

MR. BARBERA: You wanted the lighting on there.

MR. ARGENIO: So you received conditional final

approval the last time you were here and what you're referring to Mike are those conditions?

MR. BABCOCK: That's correct.

MR. ARGENIO: And they have been included on the plan?

MR. BABCOCK: Yes.

MR. ARGENIO: What's these four bullets about, Mark?

MR. EDSALL: They changed it, they called the parking out that's required parking, employee parking can't be restricted, just got to be general parking, although we probably realize the majority will be employees, just can't pose it that way. If you look at the site plan versus the landscaping plan, you'll see where some of the layout, slight layout changes have occurred along the front curb line, it's a little different.

MR. ARGENIO: That's the nature of the second bullet?

MR. EDSALL: Yeah, what I'm saying as long as it's acceptable to you, we won't make him have the landscape plan redrafted, they'll just have to shift everything to adjust to the curb layout shown on the site plan itself.

MR. ARGENIO: I think that's pretty minimal.

MR. EDSALL: I thought that it's gone to DOT, I don't know if Brian if you've gotten back anything?

MR. BARBERA: No.

MR. EDSALL: So it would be subject to his final okay at DOT and of course he needs the bond estimate that you always require.

MR. SCHLESINGER: The little parking, there's several

little different parking areas.

MR. BARBERA: That's vacuum.

MR. SCHLESINGER: So you have three different areas where there are vacuums?

MR. BARBERA: Yeah.

MR. SCHLESINGER: Traffic flow, Mark, the way they've got it--

MR. EDSALL: It seems to work from the other similar operations, it's not a lot of through situation, it's people come out of the wash, pull over to vacuum and then leave.

MR. SCHLESINGER: They back out into the flow, that's okay?

MR. EDSALL: Yeah, again, it seems to work at every other place so I'm not aware of any problems.

MR. ARGENIO: Big problem the handicapped detail, right, Mark?

MR. EDSALL: The detail is correct but the site plan isn't as accurate as the detail, yeah, 8 and 8, the striping is kind of novel, I did point that out that it likely will not be done as a V shape but--

MR. ARGENIO: One thing Mark is the water moratorium either doesn't apply to this or this predates it?

MR. EDSALL: The moratorium applies to water main extensions, this is just a service line.

MR. LANDER: Water moratorium doesn't apply to common use.

MR. EDSALL: It applies to any water main extension that has to be submitted to the health department.

MR. LANDER: I thought there was an exception that all commercial use could still move forward.

MR. ARGENIO: I think you're right, Ron, I thought that's what I understood.

MR. EDSALL: In general, the fact that this doesn't involve a water main extension it wouldn't apply anyway.

MR. ARGENIO: I have one question, the water main is across the street, isn't it?

MR. BABCOCK: No, it's--

MR. SCHLESINGER: Right on the corner, yeah. What about water, it's all contained within the bays?

MR. EDSALL: They recycle.

MR. SCHLESINGER: So there's no problem of any water running out of the bays or anything like that?

MR. BARBERA: No, they're pitched.

MR. ARGENIO: Gentlemen, we have highway on 7/24/01, water on 7/23/01 and fire has been approved and this is not our business or our problem but they did get a relief from the 5,000 square foot sprinkler rule inasmuch as it is a car wash, there is a water supply.

MR. EDSALL: Some water available.

MR. ARGENIO: The doors are open on each end and it is a block building. So Mark, inasmuch as this had already received approval as you know--

MR. LANDER: Where is the dumpster detail?

MR. ARGENIO: I was going to come around to two things, that was one.

MR. BABCOCK: There's a detail.

MR. BARBERA: Up here.

MR. LANDER: It's going to be made out of block?

MR. EDSALL: No, it's wood.

MR. BARBERA: We're going to make it out of block.

MR. LANDER: You're going to have gates in the front?

MR. BARBERA: Mark told me that.

MR. ARGENIO: One other thing.

MR. LANDER: Flag pole?

MR. BARBERA: That's right here.

MR. LANDER: It has to have a flag on it. Not going to be an office use, right?

MR. BARBERA: No. I gave Mr. Burns everything that he asked for.

MR. BABCOCK: I think he has approval, it just has to get a permit.

MR. ARGENIO: Has to get a permit. you have approval, you just have to get the permit, it does on the third bullet Mark it says receipt of approval.

MR. EDSALL: I'm not aware of any approval.

MR. BABCOCK: I thought didn't you have DOT approval?

MR. BARBERA: No, what happened was we did submit it and we submitted everything and they never got back to us and that's, you know, back in '01 so I went, I'm redoing this again, Mr. Burns says there isn't a problem, gave him everything, he says sometime in April I should have it.

MR. ARGENIO: The onus is on you for that.

MR. BARBERA: He just wanted me to cause the place across the street, the Westage place he just wanted to show their entrance or where it was to my entrance.

MR. ARGENIO: Mark, is there anything else other than your four bullets?

MR. EDSALL: No and I believe at the previous meeting you acknowledged that you had already completed an environmental review, we're already lead agency and you're just reapproving something you have already seen so I think that Myra I think that's what we did at the last meeting in February.

MR. SCHLESINGER: Do you have to have a public bathroom?

MR. BARBERA: No.

MR. ARGENIO: When do you have to have a public bathroom, Mike?

MR. BABCOCK: I don't know.

MR. BARBERA: Five or more employees.

MR. BABCOCK: There's a number of employees use of the building, there's quite a few things that have to go on.

MR. ARGENIO: Do you guys have anything else here?

MR. LANDER: No, just change the dumpster fence detail.

MR. ARGENIO: If nobody has anything else, I don't see any reason why we can't entertain a motion for final approval subject to the subject-to's which I will read in.

MR. SCHLESINGER: I'll make a motion for final approval subject to what Jerry will read in.

MR. LANDER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board give final approval for the Barbera Car Wash site plan on Route 207. If there's no further discussion, I will take a roll call of the board members.

MR. LANDER: What's the subject-to's?

MR. ARGENIO: Would you like me to read them in?

MR. LANDER: Yes.

MR. ARGENIO: I'm just going to refer to Mark's four bulleted comments, I'm not going to read them and subject to the striping on the handicapped stall being corrected and subject to the dumpster detail being shown, being constructed as similar material of the building with a gate on it.

MR. LANDER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE

March 24, 2004

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MR. ARGENIO

AYE

MR. LANDER

AYE

MR. PETRO

ABSTAIN

CENTRAL HUDSON GAS & ELECTRIC 03-12

Lois Phillips, Esq., Mr. Chris Lapine and Mr. Huynh Nguyen appeared before the board for this proposal.

MR. PETRO: Proposed expansion of the existing substation. Application proposes development of a second power distribution substation adjacent to the existing station on the north side of Union Avenue hill. This application was previously reviewed at the 11 June, 2003 planning board meeting. I think we referred you to the New Windsor Zoning Board cause it was in an R-4 zone. Board should discuss the outcome. I happen to know that it went through and it was not a problem and you have your necessary variances on this plan that you received. This applicant has indicated they have been in contact with the Orange County Department of Public Works regarding access to Union Avenue. Let me ask you something. Originally, you told us that you are going to use the same curb cut and you were going to expand up the hill about 30 percent, why are you going to the Orange County Department of Public Works?

MR. LAPINE: The proposed entrance is located on a County route, the existing topo of the site doesn't allow for that.

MR. PETRO: You're going to try to get another entranceway on that, is this a separate tax parcel?

MR. LAPINE: No, this is all one tax parcel.

MS. PHILLIPS: If I could, my name is Lois Phillips, attorney with Hiscock & Barclay in Albany. I represent Central Hudson in this matter. I believe last time we were before this board was in June, 2003 and the board requested that we go to the Zoning Board of Appeals. In that process, we have made modifications or amendments to the proposal.

MR. PETRO: I never saw this plan.

MS. PHILLIPS: What we're doing is the current improvements or I should say the current substation improvements are here on the plan so we're expanding this substation and altering it and adding additional services onto the left of it. All of this property is one tax parcel consisting of 6.89 acres and as Mr. Lapine was explaining, there's an entranceway into the existing area because of the topo this is a connection between the two portions of the site there has to be another entranceway here.

MR. PETRO: Let me stop you for a minute. The way I looked at this and we referred you to the zoning board was A, you were going to use the one entrance that was existing and B, you were expanding this substation only slightly over to where you're connecting thing is there, you were just going to expand it a little bit. Now you've got one basically the same size as the existing substation, it looks like it's on a separate parcel, even though it's not. Number 2, how are you going to get another curb cut there, especially on that part of the hill on the same parcel is beyond me. You're going to surprise me if you get that. I can't believe it but I want to see that.

MS. PHILLIPS: The consideration here is the fact that even Central Hudson is an electric corporation and it a public utility and as such, it's been operating here and providing electric power within the Town of New Windsor since 1905 pursuant to its franchise. Now, with a franchise comes certain responsibilities and obligations, under the New York State law, as the franchise holder, Central Hudson has an absolute obligation to provide adequate and safe power. In order to moderate or to balance the interest here between the municipalities and the obligations for this public need, the law recognizes that the localities can

reasonably regulate but they cannot interfere or actually prohibit or impede the service improvements in order to provide adequate capacity. In this particular case when we go before the Department of Transportation, the same thing will apply with the Department of Transportation review and as long as we meet the sight distance requirements together with the other requirements I'll let Chris explain them, the Department of Transportation will grant a curb cut for this location.

MR. PETRO: They may or may not. I hear what you're saying. I don't want to be rude by any stretch of the imagination and you're kind of telling me that we have to go along with this and Mr. Burger called me up and read me the riot act and we weren't opposed to doing it but it does annoy me to a point that we're looking at a plan that has nothing to do with the original plan that we referred with the positive recommendation to the zoning board in the Town of New Windsor. I don't appreciate it, I don't like it and I don't understand why you would come in with something so different when we looked at it. I understand that you say you need it, this is what you're going to have to have whether or not you get the curb cut use, the same language you can't stop us cause we're Central Hudson, the whole bit that you just told me I don't know what to do, first of all, I'm not taking any action tonight under any circumstances, you can make your presentation, you're in an R-4 zone, residential zone, you have a house immediately to your west, immediately going up that hill and you've got a lot there in the wrong spot. I can tell you that.

MR. LAPINE: If I may, do you happen to have a plan that we submitted in June here this evening because the plans submitted in June are not as drastically different as what's shown here, what we're showing here is actually connection between the two but the alteration has always been shown in this adjoining deed

parcel.

MR. PETRO: I know it was there, it was an augmentation of the existing substation, this is another substation as far as I'm concerned. You're saying you're expanding it, to me, you're doubling it and somewhere I get 30 percent, I don't know if it's from this gentleman, somebody had told me that it was going to be 30 percent larger than what it is now. If that's not a hundred percent larger, I don't know what is.

MR. LANDER: Can I ask what the variances were?

MS. PHILLIPS: That's what I was going to address. What this board requested is that we go back to the Zoning Board of Appeals for either an interpretation or a variance. Now, under your code, there's a provision that recognizes that public utilities are essential services and that Section 48-37 we discussed with the zoning board several different things, first proposal or first question was as an essential service where it's necessary for us to alter or make changes to an electric transmission line, including substation facilities, we will provide adequate in order to provide adequate service for public safety, did we fit within the exemption under the pre-existing non-conforming use provisions that would limit the amount of expansion on this site for alteration. The second thing was if in fact we did not fit within that exemption clause, did we, how did we then calculate what the degree of expansion was because what we propose here is a ground floor area which is 880 square feet, that's it. So how do you calculate that? We were before the zoning board several times. We presented the proposal showing the entire area, also showing the connection between the two portions of the substation and what the zoning board determined through its interpretation that was pursuant to Section 48-2 B 4 of the code, first of all, Central Hudson is a public utility and it's an essential service, then it went on

to say that pursuant to Section 48-2, 3, 4 of the Town of New Windsor Code, the proposed alteration of the existing Union Avenue substation is exempt from the restrictions provided in code Section 48-24 B 3 as major structure or alterations of a non-conforming use that are necessary in the interest of public safety. And the reason we got to public safety is the fact that in order to meet public safety, you have to have adequate capacity for electric power in order to meet the demand within the area. Without that as we all saw recently within the last six months when we had the power outage last summer, you can't operate essential services, you can't operate your well systems, you can't operate hospitals, power you have an interruption of power for other safety things, police, lights at the traffic at the intersections, all of those things become a problem. In that case since we're exempt from the restrictions that would limit the percentage of expansion of a prior non-conforming use, it was the zoning board's determination it was unnecessary for a variance and a variance was not required so here we have an exemption that says that proposed alterations as we're presenting them is not subject to that 30 percent limitation that I think you recall from your meeting in June.

MR. LANDER: So you didn't need a variance?

MS. PHILLIPS: That's correct.

MR. LANDER: We just went to the zoning board for interpretation?

MS. PHILLIPS: And/or a variance, if in fact as an alternative if they determined that we were not exempt then a variance would be required. So both issues were before the board, both issues were fully presented and considered by the board.

MR. SCHLESINGER: The 30 percent figure that you're

using is related to what 30 percent increasing area space, 30 percent increase in power?

MR. EDSALL: Thirty percent increase in ground floor area in the code.

MR. SCHLESINGER: And the access to the driveway, Jimmy, is not is determined by the DOT?

MR. PETRO: County.

MR. SCHLESINGER: And I'm sure that they would take safety into consideration as much as Central Hudson would take safety into consideration.

MR. PETRO: She's saying that they've got the power to do what they want with them because everything she just said so they may, to me, what's the sight distance here either way on that curve of the worst hill in the county?

MR. LAPINE: With some clearing within the county right-of-way we'd meet or exceed 500 feet.

MR. PETRO: There's no doubt in my mind that everything you said is absolutely true as far as need, it's essential, there's no, that's not the problem. Again, I said earlier I talked to Steve for at least a half hour on the phone why you have to have it, you're running out of power, he gave us his story that, you know, by next summer you can't turn on another light bulb and the whole bit. The location of this is horrible, you don't live around here, do you?

MS. PHILLIPS: I know the location.

MR. PETRO: It's all residential, you have condos immediately going up across the street and you have houses, it's just not a very good location for this but you're already there and you want to expand in that

site.

MS. PHILLIPS: Well, also as a transmission facility we have restrictions that would limit us from going to just any other site within the Town. Our existing transmissions lines come right in this area. If we were to relocate those transmission lines, we would have to interfere with significantly more parcels throughout the Town.

MR. PETRO: The point I'm trying to make also is that if you were someplace else, you would have been gone, long gone out of here. We're not against Central Hudson adding onto their substation, just that the location I felt where it is centrally located and been on this horrible hill, I mean there's no worse hill, this is the worst hill there is in the town, county and it's just a bad spot. Some eventually, we had discussed, well, it wasn't going to be that much of an addition, I don't know, again, I keep coming up with this 30 percent, so we were willing to go along with it a little bit more. I have talked to the Supervisor, when I first mentioned this to the Supervisor, he said what, are you kidding, close it up, then we discussed it again then with Mr. Burger did a presentation, he made a nice presentation, I just don't know about the size of this and, you know, you are in fact doubling the size, you think, I mean certainly the footprint is equal to the other footprint.

MS. PHILLIPS: I think the--

MR. PETRO: Or you have the capacity to double at some point, you're not going to make it smaller than you ever need, so it is going to be bigger, right?

MS. PHILLIPS: I think maybe it would be helpful to answer some of these questions if you understand some of the why we need this first of all but then also to understand the difference, you have a substation that's

been in place or at least began to be in this location in the 1950's and we all know that technology since 1950 has changed substantially, I think it would be helpful to know first of all what is the load here in this region, which is really what is the electric need and in order to meet that need or I should say because of that load how long is it that Central Hudson projects that it can function with just the existing facilities that are at the substation and then what is designed for the alteration so that you can project out to meet additional load or additional need here and then as part of that I think it would be helpful to understand that you're not looking at simply replicating the 1950 style substation.

MR. PETRO: I don't disagree with anything you're saying, I don't think our job is here to enhance Central Hudson's business but you're making sense and that's why we've gone this far. We understand you need it, you have to have it, but it's not, it doesn't mean that the board has to say gee, that's gonna look really nice there, I'm so glad you're putting that there, it's a perfect location, it's a nice spot, we're going to get a lot of phone calls thanking us. So we've got to look at every aspect and I'm at a complete loss, I don't know what to tell you, it's not too often, I've got to tell you.

MS. PHILLIPS: Well, I can give you some more information in the sense that because it's an alteration.

MR. PETRO: I agree with you, you're correct, you don't have to say a thing.

MS. PHILLIPS: Well, to speak to the issue of public comment, the zoning board held a public hearing, over 40 letters went out to adjacent property owners, we had no public comment at that public meeting, no one appeared. And I believe letters went out to the

neighbors across the street.

MR. PETRO: Then here's what we'll do. Normally, I would waive the public hearing. I'm not going to waive it, I'm going to have another public hearing which is probably a waste of time, let's hope that nobody shows again, if there's that much lack of interest in your substation then we'll move on. In the meantime, you can find out from DOT from the county what you have going there, I mean, I assume they're going to give it to you because of the riot act you read earlier.

MR. THOMAS: Bob Thomas. I've met with the county, the county has been out and has looked at this site. They have been on site, they know what the sight distance is from the top of the hill to the driveway and if I can just back up to the beginning you mentioned that you never saw or the board never saw the second driveway. I have a mini version of the plans that I submitted that it has always been there, so I don't want you to think that we're trying to sneak something by you.

MR. PETRO: The plan is a lot bigger than I remember but I do 110 applications a year, you're doing this one in front of me right now right tonight so it's hard for me to remember, all right. There was a driveway there, big deal, there's a driveway there, again, it's all a moot point because if anybody's saying it's going to come up and thank this board for putting it there other than Steve Burger and the stockholders of Central Hudson, I don't know who is going to do that, but that's not to say that it can't happen. I'm willing to go the next step forward, we'll have another public hearing, we'll see who shows up. I'm going to talk to the Supervisor, I'd like to see some screening, something done with that plan on that west side. I know there's a, that's a bad topo right there, you're not showing us anything. Do you have a plan?

MR. LAPINE: The existing topo is on SP1 and proposed

grading on SP3 and it's shown on the grading plan that the existing, the intent is to preserve the existing landscaping on the western portion with the exception of the entranceway.

MR. LANDER: Does anybody know from your property line to the house next door what the distance is? It's not on here because I know there's a house right along.

MR. EDSALL: I don't know that setbacks apply to overhead utility services.

MS. PHILLIPS: From the line back to the foundation or the pad for the control house which is 135 feet.

MR. SCHLESINGER: That's really--

MR. LAPINE: And your requirement is 100 feet.

MR. LANDER: Do we want to see a landscaping plan?

MR. PETRO: Yes.

MR. LANDER: They did put landscaping on the other to screen some of that.

MR. PETRO: Is there any lighting or drainage?

MR. ARGENIO: How about we have no power for lights?

MR. PETRO: That's why they're going to build it, they're going to put one flood light on the end.

MR. HUYEN: We do have lighting but the lighting is in case we have emergency we have to turn it on because it's just a general lighting.

MR. LANDER: There's no lights, we don't care, we just don't want it shining into the residents next door so that I hope this new entrance is better than the one

down below.

MR. SCHLESINGER: Locked gate?

MR. LANDER: Yeah.

MR. LAPINE: Yes, there's a locked gate.

MS. PHILLIPS: Standard practice on a, also under new legislation in 2003, there are certain security measures that must be taken and security at substations this size is required.

MR. PETRO: How high is the retaining wall?

MR. LAPINE: Within the compound they range in size.

MR. PETRO: We're going to need a fence on the top of it.

MR. ARGENIO: It's 12 feet, Jim.

MR. LAPINE: Within the confines it ranges from approximately 12 feet to 12 feet, at some points it's as low as 6 feet.

MR. LANDER: Your fence is going to be on the outside of the wall?

MR. LAPINE: Yes.

MR. PETRO: How about the bottom?

MR. LAPINE: Gabion wall and the height on that will range from two feet to as much as eight feet.

MR. PETRO: It will look like the Alamo over there.

MR. LAPINE: At the southeast corner you'll have an elevation of 12 feet but it's just isolated to that one

area.

MR. PETRO: You can put shrubbery and dress it up on the landscaping plan.

MR. LAPINE: We can add some additional shrubbery there.

MR. ARGENIO: Why is the upper concrete on the lower gabion?

MR. LAPINE: Drainage. In terms of landscaping along the eastern portion there's existing landscaping that's going to be maintained to the east of this existing walkway conduit routing which would block the view of that. Is there a need for additional landscaping because this will be viewed?

MR. ARGENIO: That's wooded, is that right, it will be wooded when you're done?

MR. LAPINE: Here's the line here so--

MR. PETRO: I would suggest that you make a landscaping plan to give us some ammunition in case there's anybody here, when I show this plan to the Town Board and the Supervisor, I need to say something's gonna happen to make it look nice.

MR. LAPINE: You're saying additional landscaping?

MR. PETRO: Where is the landscaping plan now?

MR. LAPINE: What we have shown is that we're preserving the wood line on the outside of our compound.

MR. ARGENIO: Says new tree line.

MR. LAPINE: But if you look in front we're maintaining

this existing portion.

MR. PETRO: Keep in mind the building department is going to make you fence both of these walls.

MR. LAPINE: Which we're proposing.

MR. PETRO: You have an 8 or 12 foot wall and you have another five foot fence on the top of the walls, it's going to look huge, I'm driving up the road and look over, it's going to look like a prison camp.

MR. LAPINE: Here's a section of the driveway entrance before and after, look and here's the vegetation that we're showing that we're maintaining here, it's the same thing with the pretty much leaf off conditions.

MR. PETRO: That looks pretty good.

MS. PHILLIPS: The way the topo is there it slopes down away from the road, correct?

MR. LAPINE: Yeah, his concern was for the upper fence. It would be adequate just to kind of show a colored outline of the existing vegetation for your purposes?

MR. PETRO: Well, no, I guess that looks pretty good like that, I think you know if you can't see it, you can't see it, that's what I was going for. I didn't want to be driving up the road and see 12 feet on the bottom and 12 foot concrete wall on the top with a fence on the top. Mark, when you say begin the SEQRA process, do you mean take negative dec?

MR. EDSALL: Yeah, I don't know that you took lead agency on the application.

MS. PHILLIPS: We believe that or this is a Type 2 Action under SEQRA, it would be under 617.5 C 7 and 11.

MR. PETRO: What are we doing?

MR. EDSALL: Under SEQRA there's an action called Type 2 Action which we're exempt from SEQRA and she's been kind enough--

MR. PETRO: You're exempt from this?

MS. PHILLIPS: Yes.

MR. EDSALL: Pointing out two sections.

MR. PETRO: It doesn't matter, get together and find out about it, I don't want to do it now because first of all, we can't do it anyway until after the public hearing, so regardless if you're exempt or not, find out later, it's getting late.

MS. PHILLIPS: We did have a workshop meeting with Mark last week.

MR. LAPINE: Yes, as requested, Mark was pretty happy with the plan as shown.

MR. PETRO: So Mark on your bullets just tell me next time whether they're exempt or they're not.

MR. EDSALL: Okay.

MR. PETRO: We already know you're going to Orange County Department of Public Works.

MS. PHILLIPS: We did a revised EAF so I would ask that that be incorporated into the record for the site plan.

MR. PETRO: Motion for a public hearing.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board schedule a public hearing for the Central Hudson site plan on Union Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: You can just get together with Myra for the scheduling of the public hearing.

MR. LAPINE: Does she have an application?

MR. PETRO: Call her and figure it out, she can certainly fax you something. You're up in Albany?

MR. LAPINE: No, I'm in Poughkeepsie.

MS. MASON: There is no application.

MR. PETRO: And what changes do they have to make to the plan if any, Mark, is there anything on the plan?

MR. EDSALL: No, obviously, you want the landscaping added, we'll look for that.

MR. LAPINE: We have talked about that, that you're satisfied with the existing landscaping.

MR. EDSALL: I'll get a copy to the DPW forthwith and I have no problem with those two sections of the Type II, I think they did apply so I'll include that in my comments.

MS. PHILLIPS: The other thing which was requested was to add the interpretations, the two interpretations from the ZBA, they have been added on this plan already.

MR. LAPINE: Plus at the workshop you indicated if we submit an extra set of the plans, you'd forward that to the town, county.

MR. EDSALL: Yes.

MR. PETRO: I'd like a response from DPW before the public hearing about your, it's not imperative, okay, if we get scheduled before for some some reason, we can still continue and just be a subject-to later on if you get that far. Okay?

MR. LAPINE: Thank you.

PRESUBMISSION:

TARSIO LANES - ROUTE 9W

Mr. Ken Lytle appeared before the board for this proposal.

MR. LYTLE: What he's been doing is temporarily storing motorcycle parts in his basement, for that basement it's actually a mixed use at the bowling alley.

MR. PETRO: In the back in the basement?

MR. LYTLE: He's been doing it temporarily.

MR. PETRO: Did you cut the shumack trees out of the way? They were growing through the cracks up about 40 feet.

MR. LYTLE: We're looking for temporary use to continue storing motorcycle parts from Moroney's during the busy season.

MR. LANDER: I think what happened did he get violated?

MR. LYTLE: Yeah.

MR. LANDER: It's just parts though?

MR. LYTLE: Just parts, no motorcycles.

MR. SCHLESINGER: Just parts?

MR. LYTLE: Yes.

MR. PETRO: Did you talk to the fire department at all?

MR. TARSIO: There's a few motorcycles.

MR. LYTLE: They're brand new in the crates, no

gasoline.

MR. SCHLESINGER: Who's to say they're going to--

MR. PETRO: I want to know what the fire department said.

MR. BABCOCK: It's not in compliance with the site plan so--

MR. TARSIO: It said I'm covered with fire extinguisher or sprinklers but I just had to get the C.O. updated.

MR. PETRO: Do they need a letter from the town planning board?

MR. BABCOCK: No, I'm sure the minutes will cover.

MR. PETRO: You have a good night.

MR. LYTLE: Thanks, have a good night.

CORRESPONDENCE

FIRST COLUMBIA 03-201 & 03-202 - Request for two 90 day extensions of approvals

MR. PETRO: Regarding subdivision and site plan approvals which is 555 Hudson Valley Avenue, New York International Plaza. First Columbia requests extension of time be granted for both approvals in order to secure Planning Board chairman's signature. We're currently talking with two major tenants about occupying space in the building. Kindly grant the allowable time of extension on these approvals. Thank you. This is for First Columbia.

MR. KARNAVEZOS: Make a motion that we give them the extension.

MR. SCHLESINGER: Which building?

MR. PETRO: This is the second medical behind the one that's there, existing 47,000 feet, they didn't start building yet, they're both approved on 10/22/03 and looking for an extension of how much, Mark?

MR. BABCOCK: Ninety days.

MR. EDSALL: Two 90 days which would bring them, it would be the full 360 days you're allowed from the original vote.

MR. PETRO: Motion to that effect.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant 180 day extension or two 90s together for the First Columbia at 555 Hudson Valley Avenue, New York International Plaza. Any further comments? If not, roll call.

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ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

DISCUSSION - ERIC MASON

MR. MASON: Just one thing, I'll make it quick because I probably already know the answer to this. But my family used to have mobile homes on our property several years ago and we had to remove them because we had contaminated wells. Since then, there's been town water put in so my question is would it be allowed to go back to mobile homes that were there for 47 years?

MR. LANDER: How long has it been empty?

MR. MASON: Exactly, I don't know, I'm gonna say six or seven years, eight years maybe.

MR. BABCOCK: I think it's a permitted use in the zone, a mobile home park, but he's got a multiple use there, it's not just the mobile home park, there's a truck transfer terminal there and some apartment buildings there and some different businesses there.

MR. LANDER: We got a PUD?

MR. BABCOCK: No, I think as far as it would have to be a site plan approval and then as far as re-establishing it.

MR. EDSALL: Obviously there's a record as to what was there before you had this environmental issue that had to be cleaned up, you're not looking to add anymore, just looking to go back to what it was?

MR. MASON: Pretty much, yeah.

MR. PETRO: Three or four of them.

MR. MASON: There was four.

MR. BABCOCK: They were in some locations that you probably would not approve today, I think they should

if they were put back there it would only be a couple of them were only a couple feet from a building and there's room, if there's room to move them so they'd be more in compliance with the zoning as far as setbacks, I think that should happen, I'm sure a lot--

MR. MASON: Actually, following the property line down everybody had a great big front yard is how it was laid out.

MR. BABCOCK: He'd have to put in new services because the existing ones--

MR. PETRO: Come up with a site plan. The other thing the question would come up also the trailers that you took out, the size of them, let's say especially in those years you had--

MR. MASON: 24 x 60, I'm only kidding, I don't know what size they were.

MR. PETRO: They may have been 11 or 12 x 42 or something.

MR. MASON: The newest one I know was a 14 x 70 and I know that cause it was when they first came out.

MR. BABCOCK: The one that got moved down to the, by the, across from Schlesinger's.

MR. PETRO: If I was interpreting the law, I would say probably replace what you had there, so if you want to go to the double wides or huge trailers, I'd say you'd be abusing what you're trying to do, but that's really not your question. Your question is can you replace them at all and I'm not sure, we'd have to really think about it and find out.

MR. MASON: Okay but I usually don't have anything but I figured tonight would be a good night because it, I

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mean it is 9:30.

MR. PETRO: You didn't get a no, that's pretty good.

DISCUSSION

MR. LANDER: Do we on that one site plan we had six or seven lots, we're subdividing five lots, there was wetlands on lot number 1, do we take that square footage out?

MR. PETRO: No, you allow them a certain portion of it in.

MR. LANDER: Why?

MR. PETRO: Because when we reduce the size when we made the lots that large, you did give them, it's October of 2003 and the reason for that was to give people some incentive because you're putting the lot so big and they use the, it's taxable as part of their lot.

MR. SCHLESINGER: You can use it as part of the area as long as it doesn't deal with the envelope.

MR. PETRO: Correct and the reason because the lot's bigger.

MR. MASON: Fox Meadow, Fox Run Meadow, why would the Town take that one and a half acres, they want it dedicated to the Town, why would the Town want that?

MR. BABCOCK: For the drainage basin, that's it.

MR. EDSALL: The drainage district.

MR. MASON: Okay.

MR. PETRO: Hearing nothing else, I'll accept a motion to adjourn.

MR. LANDER: So moved.

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MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

4/14/04